

REMARKS

By this Amendment Applicant cancels claims 8, 21 and 51 thus claims 1-7, 9-20, 22-50 and 52-62 are all the claims pending in the application. All pending claims stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

1. OBJECTIONS

ABSTRACT

The Examiner requests the Abstract be amended to include reference to a method of the present invention. By this Amendment Applicant revises the Abstract as suggested by the Examiner. Reconsideration is respectfully requested.

CLAIMS

Applicant acknowledges that the claims have been renumbered by the Examiner as 1 – 62. The foregoing amendments are numbered according to the Examiner's indication.

2. REJECTIONS

A. **Claim Rejections Under 35 U.S.C. § 112**

The Examiner rejects claims 20 – 28 under 35 U.S.C. § 112 ¶ 2 because “the vehicle” in claim 20, line 5 lacked antecedent basis. By this Amendment Applicant amends claim 20 to address the deficiency noted by the Examiner. Reconsideration and withdrawal of the rejection are respectfully requested in view of the foregoing amendments.

B. **Claim Rejections Under 35 U.S.C. § 102.**

The Examiner rejects claims 1, 3 – 10, 14, 15, 17, 20 – 25, 28 – 32, 36 – 38, 40, 41, 44 – 54 and 59 – 62 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,208,934 to Bechtolsheim et al. (“Bechtolsheim”). Applicant respectfully traverses this rejection for the following reasons.

Bechtolsheim teaches plotting a travel route to a desired destination (col. 5, ll. 59-60) using geographic data in one or more databases including information about one or more geographic regions or coverage areas. Col. 3, ll. 23-27. Data in the database, including the positions of roads, restrictions on directions of travel along the roads, street addresses, street names, speed limits, and information about points of interest (col. 3, ll. 56-67) are associated with each road segment data record to describe features or characteristics of the represented road segment. Col. 4, ll. 11-14.

By way of contrast, the present invention identifies medical facilities along a given travel route by taking a travel route and comparing it with information in a database of medical facilities to identify one or more medical facilities along the travel route. For example, the travel route is determined, calculated or provided and then medical facilities along (either on or relatively close) the travel route are determined by comparing the travel route to a database of medical facilities.

This is not taught or even suggested by Bechtolsheim, which appears to only calculate a route to a point of interest that is entered by the user (col. 20, ll. 4). Additionally, the point of interest (such as a hotel, restaurant, museum stadium, office or hospital) is already associated with particular road segment data (col. 4, ll. 11-14) and thus there is no comparison of the travel route to a database of medical facilities as in the present invention.

In respect to claim 20, Bechtolsheim does not teach or suggest in combination: (i) establishing a non-verbal communications link between the vehicle and the database; identifying the location of the person in the vehicle; identifying, based partly on the location of the person and the database of medical facilities, a medical facility; and communicating the name and location of identified medical facilities to the person in the vehicle via the non-verbal communications link.

In fact, Bechtolsheim expressly teaches away from these claimed limitations by disclosing that the navigation programming 118 may be located at a remote location and accessed by the navigation system 110 (which includes the geographic database 140) in the

vehicle 111 over a communications system. Col. 5, ll. 12-19. At most, Bechtolsheim appears to teach mapping a travel route at a remote location and communicating the travel route, as opposed to identifying and communicating identified medical facilities, over the communications link.

Further, independent claim 29, and claims 30-43 depending there from, include the steps of *comparing a travel route to a database containing medical facility information and identifying at least one medical facility along the route.*

Independent claim 44, and claims 45-49 that depend there from, include a processor *operative to compare aircraft location information with the database containing information relating to a plurality of medical facilities* and identify at least one medical facility along the travel route of the aircraft based on the comparison.

Method claims 50-57 and software claims 58-62 include limitations relating to *comparing the location of an aircraft in transit with locations of medical facilities stored in a database* or comparing a travel route to a database of medical facilities.

Bechtolsheim entirely lacks all of the foregoing limitations since it does not compare a travel route or aircraft location information to any database containing medical facility information or identify medical facilities along the travel route. Bechtolsheim only provides directions in response to an inputted, desired destination. Col. 4, l. 59 – col. 5, l. 3.

Finally, Bechtolsheim entirely lacks at least the following limitations of these dependent claims:

Claims 7 and 17: Bechtolsheim does not teach *mapping a travel route manually* as claimed in claim 7 or *selecting* from one or more identified medical facilities *a suitable medical facility* as recited in claim 17. The Examiner alleges that the Bechtolsheim discloses manual mapping based on a software program and cites col. 5, ll. 16-34 in support of that proposition. Applicant respectfully disagrees. There is no mention whatsoever in the Bechtolsheim reference that a travel route is mapped manually (e.g., without the aid of hardware or software (see col. 2, ll. 56-57)).

Claims 23 and 28: Bechtolsheim further fails to teach or suggest the medical facility phone number limitations recited in claims 23 and 28.

Claims 35 and 39: the medical facility is determined by type of medical services provided, hours of operation, availability of emergency equipment, languages spoken, payment options available and/or cleanliness of the medical facility.

In view of the foregoing Applicant respectfully submits that Bechtolsheim does not anticipate the pending claims since it lacks several of the recited limitations. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the §102(e) rejections based on Bechtolsheim.

C. Rejections Under 35 U.S.C. § 103.

Claims 2, 11 – 13, 16, 18, 19, 26, 27, 33, 34, 42, 43 and 55 – 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bechtolsheim in view of U.S. Patent No. 6,157,891 to Lin (“Lin”). Applicant respectfully traverses this rejection for the following reasons.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, three requirements must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 2143)

The Examiner alleges the Bechtolsheim discloses all of the limitations of these claims except for making the travel route to identify medical facilities with a flight plan carried on-board of an aircraft. The Examiner relies on Lin to make up for this deficiency alleging “it would have been obvious to.....have modified Bechtolsheim’s system by making the travel route a flight plan carried on board of an aircraft as evidenced by Lin in order to provide versatility and improve on travel route identification.” (Office Action pg. 5; emphasis added). Applicant respectfully disagrees.

Lin fails to make up for the deficiencies noted above in respect to the anticipation of Applicant's claims by Bechtolsheim. Moreover, Applicant respectfully submits that (i) there is no objective reason and thus no motivation to combine Lin with Bechtolsheim; and (ii) Lin and Bechtolsheim, taken alone or in any combination, fail to teach or suggest all the limitations of the claimed invention.

Lin discloses a Ground Warning Proximity Systems (GPWS) (col. 1, ll. 12-19) which relates to preventing aircraft from controlled flight into terrain (CFIT) among other things. Other than perhaps the general use of GPS, there is no relevance whatsoever in the teachings of Lin to those of Bechtolsheim and/or Applicant's claimed invention.

Bechtolsheim deals solely with providing a navigation program to provide an end user with information about walking or driving to a desired location (col. 1, ll. 53-57). The entire principle of operation for the Bechtolsheim systems and methods rely on determining driving or walking directions to the desired location via linking segments of a navigable road. (see, e.g., Figs. 2-3, 5-11 and col. 4, ll. 1-62). The Bechtolsheim system and methods are not applicable or relevant to aircraft travel and thus any combination with Lin to provide versatility and improve on travel route identification is only unsupported speculation on behalf of the Examiner.

When a suggested modification of the primary prior art reference with another prior art reference would change the principle of operation or purpose (e.g., to provide users with navigational directions on roads) of the prior art being modified, *prima facie* obviousness is not established. *In re Ratti*, 123 USPQ 349 (CCPA 1959).

Moreover, simply because Lin discusses a flight plan does not make it obvious to combine with a pedestrian and automobile navigation system. Applicant respectfully submits that *prima facie* obviousness has not been established and requests the Examiner to reconsider and withdraw the §103 rejection based on the combination of Bechtolsheim and Lin.

Lastly, the Examiner admits that Bechtolsheim and Lin are "silent" on including a quality rating for at least one medical facility but alleges that such a provision is obvious as "involving

AMENDMENT
U.S. Appln. No. 10/066,058

only routine skill in the art because such would provide the user of the system with a clear understanding as to expected types of service.”

Applicant seasonably challenges this assertion and requests that the Examiner provide some evidence (e.g., a prior art reference) to support such an assertion. (see MPEP 2144.03) “Although a prior art device may be capable of being modified to run the way the apparatus is claimed, [to establish *prima facie* obviousness] there must be a suggestion or motivation in the reference to do so.” In re Mills 16 USPQ2d 1430 (Fed. Cir. 1990). Conclusory statements of similarity or motivation, without any articulated rationale or evidentiary support, do not constitute sufficient factual findings to support a 35 U.S.C. § 103 ground of rejection. *Id.*

For the reasons stated above, claims 2, 11 – 13, 16, 18, 19, 26, 27, 33, 34, 42, 43 and 55 – 58 are not obvious over Bechtolsheim in view of U.S. Patent No. 6,157,891 to Lin (“Lin”) and Applicant respectfully requests the Examiner to reconsider and withdraw all rejections based thereon.

In view of the foregoing reconsideration and allowance of this application believed to be in order and such action is hereby solicited. The Examiner is requested to contact the undersigned in the event that a telephonic interview would expedite the prosecution of this case. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**.

Respectfully submitted,


Stuart A. Whittington
Reg. No. 45,215

4/30/03

SQUIRE, SANDERS & DEMPSEY, LLP.
Two Renaissance Square
40 North Central Ave., Suite 2700
Phoenix, Arizona 85004
Telephone: (602) 528-4183
Facsimile: (602) 253-8129

AMENDMENT
U.S. Appln. No. 10/066,058

Date:
Phoenix/237878.1
4/29/03

This Page Blank (uspto)